REMARKS

Claims 1-11 and 22- 24 remain before the Examiner for reconsideration. Claims 1, 10, 11, 14 and 22 have been amended. No new matter has been added and the claims amendment are fully supported in the specification and drawings as originally filed.

OBJECTIONS

Claim 22 is objected to as being in improperly dependent form for failure to limit subject matter of a previous claim. Claim 22 has been amended to be in proper dependent form. Reconsideration is requested.

REJECTIONS UNDER 35 USC 112

Claim 1-1 and 22-24 stand rejected under 35 USC 112 for failing to comply with the writtem description requirement. The Office Action alleges that the claims contain subject matter of "recessed encoding rings" that was not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventors has possession of the claimed invention.

The "recessed encoding rings" of Applicants' invnetion was disclosed in the Specification as originally filed, including at page 56, paragraph 3, "encoding rings 4641" and in Fig. 126. Reconsieration is requested.

REJECTIONS UNDER 35 USC 102(b)

Claim 14 stands rejected under 35 USC 102(b) as being anticipated by Fago et al. This rejection should be withdrawn in view of the remarks and amendments made herein.

Claim 14 is directed to a syringe including that the notch forms a discontinuous edge of the terminating end of the tubular body and "extends through the tubular body from an inside to an outside." The novel part of this syringe design is the notch which is shown in Fig. 48A at 2327. For example, the notch is formed in the edge of the tubular syringe body so

that posts 2372 can operably engage the notches in the syringe. (see page 38, second paragraph, lines 5 -9). This unique structure can not be found in Fago.

Rather, Fago is drawn to an entirely different syringe structure. Although the Office Action alleges that Fago discloses a rotation member comprising a recess (56a/57a) formed in the body for retaining a corresponding mechanism on the injector, this is not the case. Rather, 56a is a channel and 57a is an axial opening portion (col. 6, line 36) which does not extend through structure 54. Further, the axial opening portion 75a does not form "a discontinuous edge of the terminating end of the tubular body." Accordingly, Fago does not disclose all of the structural features of Applicants' invention of Claim 14. Reconsderation of this rejection is requested.

REJECTIONS UNDER 35 USC 103

Claims 1-11 and 22-24 stand rejected under 35 USC 103(a) as being obvious over Reilly in view of Hitchins. The rejection should be withdrawn in view of the remarks and amendments made herein.

Claim 1 is directed to a syringe and has been amended to include, "wherein the at least one attachment member includes an inclined surface that defines a shoulder."

Applicants' invention includes this novel structure as shown in the Figures including 14, 15, 19 and 46 and as descibed in the specificaton as filed, including at page 32, para 1.

The Office Action alleges that Reilly teaches a syringe for use with an injector comprising a body (118), a plunger (26), an attachment member (126) at the frontward end of the body; a rotation member comprising a recess (120) formed in the body for retaining a corresponding mechanism on the injector (133). See Fig 11. The attachment member is an annular ridge (126) which is also a projection of tab member.

However, Reilly does not teach or suggest Applicants' invention. Reilly is directed to:

> [a] fluid injector indicated generally at 110 includes a pressure jacket 112 with a plurality of locking fingers 114 for engaging a syringe 116, shown in an open position in FIG. 10 and a closed position in FIG. 11. Pressure jacket 112 is connected at its rear end 132 to injector head 20 by any suitable means, such as a threaded connection (not shown). Syringe 116 has a cylindrical body 118 having a front end 120 and an open rear end 122. The front end 120 of syringe 116 is tapered and connected to a neck 124. A disk shaped drip flange 126 is formed around the neck 124. (Col. 5,

lines 48-57, *Emphasis Added*)

Thus, the drip flange 126 is not an attachment member because structurally it does not provide any attachment between the body and the pressure jacket 112 that retains the syringe. Further, drip flange 126 is not releasably retained by the syringe retaining mechanism, rather drip flange 126 remains outside of the syringe jacket 126. In fact, in Reilly the "front end 142 of the locking ring 140 is a distal annulus extending radially inwardly to form an open orifice 144 which permits the syringe body 118 to be inserted into pressure jacket 112, but does not permit the drip flange 126 to be inserted into pressure jacket 112. FIG. 10 shows that the front interior surface of the front end 142 is sloped to engage locking fingers 114 when in a closed position, as shown in FIG. 11 and more fully described below." (Col. 5, lines 11-19, *Emphasis Added.*) Also, the drip flange 126 of Reilly is **not** disposed on the the body of the syringe, but is disposed on the neck 124 which is distally located from a tapered front end 120 and, thus from the body 118. Therefore, Reilly does not disclose "at least one attachment member disposed on the rear end or the front end of the tubular body" as claimed in Applicants' invention of Claim 1.

Additionally, Claim 1 has been amended to include that "the at least one attachment member includes an inclined surface that defines a shoulder." The syringes 46, 76 and 116 in Reilly is shown in Fig.'s 2, 6 and 8, respectively. However, not only Reilly lacking an attachment member of Applicants' invention, but there is no "inclined surface that defines a shoulder." Accordingly, Reilly does not teach or suggest Applicant's invention.

Further, the Office Action alleges that Reilly does not teach an encoding device located on the body of the syringe. Hitchins teaches a syringe body (50) for use with an injector (20) where the syringe includes coding (190, 192). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the known technique of an encoding ring on a syringe with the device of Reilly in order to provide an indication of the medication contained with the syringe or the size of the syringe, for example.

The Offcie Action also alleges that Hitchins teaches a syringe body (50) for use with an injector (20) where the syringe includes coding (190, 192), and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the known technique of an encoding ring with the device of Reilly in order to provide an indication of medication contained with the syringe or the size of the syringe.

However, there is not a teaching or suggestion In Hitchins of Applicants' invention of "at least one encoding ring recessed within and formed circumferentially around at least a portion of the rear end of the tubular body and operable to provide syringe information to the injector." Rather in Hitchins, depressions 190, 192 are formed in the outer most flanges 170, 170'. The depressions 190, 192 are used to activate a mechanical spring activate switch. (Col. 10, line 66 – Col. 11, line 6). Thus, these depressions 10, 192 are not the ring that is formed in the tubular body, rather they are located on proximal face of moutning flanges 170, 170'. Further, As illustrated in Fig. 5, a spring-acuated sensor switch 194 may be appropriately positioned to be activated by of the the depressions 190 or 192. Similarly, other depressions may be selectively formed in substantially any area of the mounting flange. (see Col., 11, lines 1-13). Thus, this requires the depressions to be located at the proximal end of the syringe of the mounting flanges that extend outwardly from the syringe body (See Fig. 9). Thus, this is entirely different than Applicants' invention. Therefore, Hitchins fails to remedy the deficiencies of Reilly. Reconsideration of Claim 1 is requested.

Regarding Claim 3, Reilly does not teach or suggest Claim 3 because drip flange 126 is not a projection that is adapted to engage corresponding members of the syringe retaining mechanism to enable release of the syringe from the injector thought rotational movement. (see Col. 6, lines 20-37),

Regarding Claim 2, Reilly does not teach or suggest that the at least one attachment member comprises an annular ridge disposed on the tubular body. Rather the attachment memmber is forward of the front end 120 of the syringe which is connected to a neck 124. And, the drip flange 126 is formed around the neck 124 (Col. 5, lines 54-57)

Regarding Claim 4, Reilly does not teach or suggest the at least one attachment member that comprises one or more tab members because the drip flange 126 is one continuous disk shaped flange that is formed around the neck.

Regarding Claim 5, Reilly does not teach or suggest the tab members that comprise a first tab end attached to the body and a second tab end adapted to engage the syringe retaining mechanism of the injector. Rather, as discussed above drip flange 126 is connected and formed around the neck and does not attach to any part fo the syinge retaining mechanism.

Regarding Claim 6, Reilly does not teach or suggest tab members that are resilient

members. In fact, Reilly teaches a drip flange 126 that is fixed around the neck 124. Further, Hitchins does not remedy any of the deficincies of Reilly, and therefore Claims 2-11 and 22-24 are not taught or disclosed by either Reilly or Hitchins, alone or in combination.

Regarding Claim 10 and 11, Claims 10 and 11 have been amended to include that the attachment member is moved in the axial/vertical "relative to the axial direction of injector." Support can be found in the specification as originally filed. Reilly does not disclose this because there is no disclosureof an attachment member 126. Recosndieration is requested.

Further, Claims 2-11 and 22-24 depend from Claim 1, which as discussed is believed to be allowable. Accordingly, Claims 2-11 and 22-24 are also believed to be allowable. Reconsideration of the rejections of Claims 2-11 and 22-24 is requested.

RESPONSE TO ARGUMENTS

Regarding Examiner's Response to Arguments in the Office Action mailed 10/8/08 and noted on page of of the Office Action mailed March 12, 2009:

> "[A]s best illustrated in FIG. 9, for example, 190 and 192, respectively, formed therein to convey informataion concerning syringe 10' or its contents 20'. Varying the presence, type and location of such depression may be used to encode information,"

Applicant believes that the encoding rings 4641 of the invention with a completely different structure provides novel subject matter and is not obvious in light of the Hitchins reference, including the arguments set forth herein. Reconsideration is request.

In view of the above remarks, the Applicants respectfully request that the Examiner withdraw the rejections of the claims, indicate the allowability of the claims and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

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